

REMARKS

Applicant respectfully requests reconsideration of the application in view of the arguments presented below.

Summary of Office Action

Claims 1-29 are pending.

Claim 6 was provisionally rejected for double patenting under 35 U.S.C. § 101 over claim 32 of co-pending application 10/664,596 of George ("George I").

Claim 10 was provisionally rejected for non-statutory double patenting over claim 22 of George I.

Claims 10-13, 1-5, and 14-29 were provisionally rejected for non-statutory double patenting over claims 22-25, 1-21, and 26-31 of George I.

Response to 35 U.S.C. § 101 rejections

Claim 6 was provisionally rejected for statutory double patenting over claim 10 of George I. In particular, the Examiner stated:

Clearly, claim 6 of the instant application S/N: 10/10/664,596 is **identical** to claim 32 of co-pending application S/N: 10/666,544.

(06/16/2006 Office Action, p. 3)(**emphasis** provided by Examiner)

Applicant respectfully traverses the Examiner's characterization of claim 6 of the present application. In particular, claim 6 of the co-pending application includes the following language:

6. An apparatus for generating a subscriber line ringing signal, comprising:
 - a power supply providing a time-varying supply level $W(t) = |f(t) - C| + C + D$, wherein D is a power supply offset, *wherein* $C \neq 0$;
 - a linefeed driver; and
 - a signal processor, wherein when $W(t) \leq K$ the signal processor controls the linefeed driver to toggle between 1) coupling $W(t)$ to a tip

line while coupling a ring line to an alternate supply, $V_{ALT}(t)$, and
2) coupling $W(t)$ to the ring line while coupling the tip line to $V_{ALT}(t)$,
wherein K is a pre-determined switching threshold.

(Claim 6) (*emphasis added*)

Applicant respectfully submits that the express limitation “wherein $C \neq 0$ ” is not found in original claim 32 of the co-pending application, thus claim 6 of the present application and claim 32 of the cited application are not identical. Given that claims 6 and 32 are not identical, applicant respectfully submits that the provisional statutory double-patenting rejection is not applicable.

Applicant respectfully submits that the statutory double-patenting rejection has been overcome.

Response to Provisional Non-Statutory Obviousness-Type Double Patenting Rejection

Claim 10 of the present application was provisionally rejected on the basis of claim 22 of George I. The Examiner stated the following as the basis for the rejection:

Clearly, claim 10 of the instant application S/N: 10/666,544 is a similar to claim 22 of co-pending application S/N: 10/664,596 except for a DC component.

(06/16/2006 Office Action, p. 4)

Applicant traverses the Examiner’s characterization of the claims of both the present application and George I.

Claim 10 of the present application and claim 22 of the co-pending application include the language:

10. A method of generating a differential ringing signal with a DC component between a tip and a ring line of a subscriber line, comprising:

a) providing a time-varying supply level, $W(t)$, having a plurality of critical points along a folding line, *wherein the critical points are substantially not equidistant*;

- b) coupling $W(t)$ to the tip line while coupling an alternate source to the ring line in response to a first critical point; and
- c) coupling $W(t)$ to the ring line while coupling the alternate source to the tip line in response to a second critical point.

(Claim 10)(*emphasis added*)

22. A method of generating a differential ringing signal between a tip and a ring line of a subscriber line, comprising:

- a) providing a time-varying supply level, $W(t)$, having a plurality of critical points along a folding line, *wherein the critical points are substantially equidistant*;
- b) coupling $W(t)$ to the tip line while coupling an alternate source to the ring line in response to a first critical point; and
- c) coupling $W(t)$ to the ring line while coupling the alternate source to the tip line in response to a second critical point.

(Original claim 22 of George I)(*emphasis added*)

Given that claim 22 of the co-pending George I application requires the critical points to be *substantially equidistant* and claim 10 of the present application requires the critical points to be *substantially not equidistant*, applicant submits that these claims are in fact mutually exclusive. Applicant submits that the non-statutory double-patenting rejection is inapplicable since the claim language defines mutually exclusive subject matter.

Claims 10-13, 1-5, and 14-29 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 22-25, 1-21, and 26-31 of the co-pending George I application.

As presented above, applicant maintains that claim 10 is mutually exclusive with respect to claim 22 of the co-pending application and thus the claims cannot be obvious with respect to each other.

The only remaining rejections are provisional rejections. Accompanying this Amendment is a Terminal Disclaimer that identifies the common owner of co-pending application 10/664,596 and the present application. Applicant submits the Terminal Disclaimer suffices to overcome

the non-statutory double patenting rejection in accordance with 37 C.F.R.
§ 1.321(c).

Conclusion

In view of the amendments and arguments presented above, applicant respectfully submits the applicable rejections and objections have been overcome. Accordingly, claims 1-29 should be found to be in condition for allowance.

If there are any issues that can be resolved by telephone conference, the Examiner is respectfully requested to contact the undersigned at (512) 858-9910.

Respectfully submitted,

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